

# FILED

OCT 16 2014

New Jersey State Board of  
Massage and Bodywork  
Therapy Examiners

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

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IN THE MATTER OF THE  
APPLICATION OF

XUEHONG ZHANG

FINAL ORDER OF  
DENIAL OF LICENSURE

TO PRACTICE MASSAGE AND  
BODYWORK THERAPY IN THE  
STATE OF NEW JERSEY

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This matter was opened to the Board of Massage and Bodywork Therapy ("the Board") upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Xuehong Zhang submitted an application for licensure by the Board.
2. On Ms. Zhang's application, she indicated that she had never been charged with or convicted of any crime or offense.
3. A criminal history background check revealed that Ms. Zhang had been charged in 2007 with keeping a house of ill fame (prostitution), and was found guilty of that offense and sentenced to one year probation.
4. Ms. Zhang claimed that she had flown out from New York to California in response to an advertisement to "do bodywork," and

inadvertently found herself in a place which was an "illegal 'family hotel.'" She was on the point of returning to New York when the police arrested her, on the third day of her presence in California.

5. Ms. Zhang claimed that she indicated that she had never been arrested or convicted of any crime or offense because she had asked a friend to fill out the application for her, since she cannot read English. She also claimed that she did not believe that she had committed a crime or offense. Ms. Zhang also stated that "People always say when you fill [out] this kind of form, you just need to pick 'no'."

#### CONCLUSIONS OF LAW

1. Ms. Zhang's failure to disclose the arrest and conviction on her application constitutes misrepresentation in violation of N.J.S.A. 45:11-21(b).

2. The conduct of which Ms. Zhang was convicted relates adversely to the practice of massage and bodywork therapy, and also manifests moral turpitude within the intendment of N.J.S.A. 45:1-21(f).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on July 23, 2014, provisionally denying Ms. Zhang's application for licensure. A copy of the Order was served upon Ms. Zhang by certified and regular mail at her address of record. The Provisional Order was subject to

finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Ms. Zhang requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Ms. Zhang's request for consideration and reasons therefor.

The record reflects that both the certified and regular mailings of the Provisional Order were returned, marked "unable to forward." As the mailings had been sent to Ms. Zhang's address of record with the Board, the Board determined that constructive service had been effected. The Board further determined that as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 16<sup>th</sup> DAY of October, 2014,

ORDERED that:

1. Ms. Zhang's application for licensure as a massage and bodywork therapist in the State of New Jersey is hereby denied. No subsequent application for licensure will be entertained for a period of three years, dating from the filing of this order.

At the time of any subsequent application for licensure, Ms.  
Zhang shall be asked to demonstrate rehabilitation.

NEW JERSEY STATE BOARD OF  
MASSAGE AND BODYWORK THERAPY

By: Cynthia Sinicropi-Philibosian  
Cynthia Sinicropi Philibosian  
Chairperson